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**DIGEST OF OTHER RECENT VIRGINIA DECISIONS.****Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

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HUNDLEY et al. v. NEALE.

June 10, 1909.

[64 S. E. 947.]

**1. Fish (§ 7\*)—Oyster Grounds—Allotment—Application.**—Evidence held to justify a finding that bona fide applications for the allotment of oyster ground in controversy had been filed, antedating the petitioners' application.

[Ed. Note.—For other cases, see Fish, Dec. Dig. § 7.\* 10 Va.-W. Va. Enc. Dig. 621.]

**2. Fish (§ 7\*)—Oyster Ground—Allotment—Applications—Delay.**—Petitioners for the allotment of oyster ground were not prejudiced by delay in securing action on their petitions, due to no fault of theirs.

[Ed. Note.—For other cases, see Fish, Dec. Dig. § 7.\* 10 Va.-W. Va. Enc. Dig. 621.]

Judgment affirmed. All the judges concur.

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NORFOLK & P. TRACTION CO. v. O'NEILL.

June 10, 1909.

[64 S. E. 948.]

**1. Appeal and Error (§ 1046\*)—Harmless Error—Misconduct of Trial Court.**—The misconduct of the court in expressing opinion as to its understanding of the testimony of a witness, made while overruling an objection to a question asked another witness, was not prejudicial, where the witness had testified as the court understood him.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 4134; Dec. Dig. § 1046.\* 1 Va.-W. Va. Enc. Dig. 598.]

**2. Witnesses (§ 379\*)—Impeachment.**—The admission of statements, made by the motorman after an accident resulting in injuries in a collision with his car, as to the circumstances attending it, is proper, where the statements were admitted as affecting the credibility of the motorman testifying as a witness, and not as admissions binding his employer, and the jury were so instructed.

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\*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.